IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. 42302--M of 2007
Date of Decision: 17.8.2009
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Jasveer Kaur @ Gogi & Anr.

.. Petitioners

Vs.

State of Punjab & Anr.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND KUMAR,

Present:- **Mr. Sanjiv Pandey, Advocate**
for the petitioners

Mr. B.S. Sra, Addl. A.G. Punjab

Mr. S.S. Rangi, Advocate
for respondent No.2.
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ARVIND KUMAR, J.

Through the instant petition, the petitioners are seeking quashing of criminal complaint No.671/1 dated 20.9.2004, titled as Rajwinder Kaur Vs. Gurdip Singh & Ors. and summoning order dated 7.4.2006 by dint of which the petitioners and others have been summoned under Sections 498-A, 406, 323, 504, 506 read with Section 120-B IPC therein.

The marriage of respondent No.2 was solemnized with one Gurdip Singh, the brother of petitioners, on 3.12.1999. In the year 2004 she filed the impugned complaint against her husband, father-in-law, mother-in-law and sisters-in-law i.e. the present petitioners containing the allegations that the accused were not satisfied with the dowry articles given by her parents in the marriage and soon after the marriage they harassed her and slapped a demand of a car and Rs.2 lacs cash. According to the complainant, she was turned out of the matrimonial home on 10.6.2004 and the accused refused to keep her unless their demand of a car and Rs.2 lacs is not fulfilled

and also manhandled and abused the complainant. The dowry articles which were entrusted to the accused has also been misappropriated by them.

In preliminary evidence the complainant got examined herself as PW.1 besides examining Jagjit Singh, Ex-sarpanch and Bant Singh son of Ajaib Singh as PW.2 and 3 respectively.

The Court below, on the basis of preliminary evidence summoned all the accused including the petitioners, under Sections 406, 498-A, 323, 504, 506 read with Section 120-B of Indian Penal Code. Dis-satisfied with the same the instant petition has been filed by the petitioners.

It has been contended that the impugned complaint has been filed by respondent No.2, involving each and every members of the in-laws family. The petitioners are married sisters of husband and are living at their respective matrimonial houses and have been arraigned by the complainant just to wreak her personal vengeance. It has further been contended that in whole of the complaint no specific allegations have been levelled against the petitioners, except that they were entrusted with dowry articles at the time of marriage.

In the reply filed on behalf of the State as well as complainant, the quashing of the impugned complaint and the summoning order has been opposed and the summoning order passed against the petitioner has been justified. An objection as to the maintainability of the present quashing petition has also been raised by the complainant since the petitioners have not preferred any revision against their summoning.

The paper-book has been carefully perused. The Hon'ble Supreme Court in the case of **Kans Raj Vs. State of Punjab & Ors., 2000 (2) RCR (Criminal) 695 (SC),** has observed that a tendency has developed for roping in all the relations in dowry cases and if it is not discouraged, it is likely to affect the case of the prosecution even against the real culprits. Further, in the case of **Anita & Ors. Vs. State of Punjab, 2003(4) RCR (Criminal) 313,** when a first information report was lodged by the wife under Sections 498-A and 406 of the Indian Penal Code against the entire family members of the husband, this Court exercising its powers under Section 482 Cr.P.C. quashed the FIR against the unmarried sisters and brothers, by observing that “it is not believable that the unmarried sisters or unmarried brother of the husband would be entrusted with any article of

dowry separately. There is a tendency to involve all the relatives of the husband when the relations between the husband the wife become strained." Similarly, in the case of **Harjinder Kaur & Ors. Vs. State of Punjab, 2004(4) RCR (Criminal) 332,** a criminal complaint was filed under Sections 498-A and 406 IPC against the husband, his parents and 5 sisters and the proceedings qua sisters were quashed with the observation that the allegations against the sisters are vague and there is growing tendency to come out with inflated and exaggerated allegations, roping in each and every relation of the husband.

Similarly in the instant case, a perusal of impugned complaint reveals that the allegations therein against the petitioners are omnibus and have been levelled just to drag them in the criminal proceedings in relation to harassment on account of demand of dowry and misappropriation thereof. Although, it has come on record that both the petitioners had got married much after the marriage of their brother with the complainant, but it cannot be expected that the dowry articles were ever entrusted to them, which they lateron allegedly misappropriated and refused to return the same to the complainant. Further, the perusal of complaint reveals that no specific overt act has been attributed to the petitioners. The allegations, so far as petitioners are concerned, appears to have been made by the complainant just out of frustration since she failed to maintain her matrimonial ties, due to whatever reason and whosoever fault and had attempted to widen the net of penal laws. Even otherwise, the petitioners cannot be said to be beneficiary to the alleged demand of a car and Rs.2 lacs, which, as per allegations, was for starting the business of the husband Gurdip Singh. So far as the objection of learned counsel for the complainant as to the maintainability of the instant quashing petition is concerned, in the case of **State of Haryana & Ors. Vs. Ch. Bhajan Lal & Ors. 1991(1) RCR (Crl.) 383 (SC),** the Hon'ble Supreme Court observed in clear words that where the proceeding is maliciously instituted with an ulterior motive or where the allegations made in the complaint are absurd and improbable, the Court would be within its power to quash the complaint/ FIR. The vague allegations in the complaint against petitioners No.2 to 4 and insufficient grounds to summon them warrant the interference of this Court for quashing all the proceedings against them with an objective to meet the ends of

justice and prevent the abuse of the process of the Court.

In view of the discussion above, the instant petition is allowed and the impugned complaint, summoning order and subsequent proceedings thereto, to the extent of petitioners, are quashed.

(ARVIND KUMAR)
JUDGE

August 17, 2009
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